HON'BLE Dr. JUSTICE G. YETHIRAJULU

Writ Petition No.25272 of 2000

Dated this the 19th day of November, 2007

Between:

B. Ramchander … Petitioner

AND

The District Cooperative Officer,
Adilabad, Adilabad District
and 2 others … Respondents

HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.25272 of 2000

ORDER:

This Writ Petition has been filed by the petitioner seeking to declare that the proceedings of the first respondent-District Co-operative Officer, Adilabad, dated 10.11.2000 and the third respondent-Primary Agricultural Co-operative Credit Society Limited, Mancherial, represented by its President, dated 26.11.2000, is illegal and arbitrary and unconstitutional and consequently to set aside the said proceedings.

2) The first respondent passed an order on 10.11.2000 keeping the petitioner under suspension on the ground that there is *prima facie* material for misappropriation of the funds and other irregularities. In pursuance to the orders of the first respondent dated 10.11.2000, the President of the third respondent-Society issued the proceedings dated 26.11.2000 mentioning that the suspension order

passed by the first respondent was approved by the resolution of the society and it was given immediate effect and the Secretary of the society, who is the petitioner herein, was directed to immediately hand over the records to the society.

3) The learned counsel for the petitioner contended that the suspension granted through the order, dated 10.11.2000 is the first punishment imposed on the petitioner and the suspension order dated 26.11.2000 is the second punishment imposed on the petitioner. Therefore, the orders are illegal and they are liable to be set aside.

4) As seen from the orders, the suspension order was given on the basis of *prima facie* material that the petitioner misappropriated the funds of the society and committed other irregularities. It cannot be treated as punishment. So far as the second order dated 26.11.2000 is concerned, it was passed by the President of the Society in pursuance to the proceedings dated 10.11.2000 issued by the first respondent and it is not the second suspension order passed by the President. Therefore,
I do not find any illegality so far as the passing of order of suspension is concerned.

5) It is for the petitioner to make proper representation if the enquiry is still pending by placing such material to establish that he has not committed any acts of misappropriation or any other irregularities in the affairs of the society. I do not find any merits in the writ petition.

6) Accordingly, the writ petition is dismissed. No costs.

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Dr.G. YETHIRAJULU, J

Date: 19.12.2007
lsn